

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 1:04-CR-0069**
:
v. : **(Judge Conner)**
:
TRINA SMITH :

ORDER

AND NOW, this 17th day of January, 2006, the order of court dated December 7, 2005 (Doc. 63), directing defendant to file a response by January 6, 2006 setting forth the reasons for her belated filing of the notice of appeal, see FED. R. APP. P. 4(b)(4) ("Upon a finding of excusable neglect or good cause, the district court may . . . extend the time to file a notice of appeal . . ."); see also In re Diet Drugs Prods. Liab. Litig., 401 F.3d 143, 153-54 (3d Cir. 2005) (discussing the factors to be weighed in determining excusable neglect); United States v. Scheiner, 873 F. Supp. 927, 932 (E.D. Pa. 1995) (same), and it appearing that a response has not been filed as of the date of this order, it is hereby ORDERED that:

1. Defendant shall file, on or before February 6, 2006, a response setting forth the reasons for her belated filing of the notice of appeal.
2. Failure to file such a response shall result in the court finding no excusable neglect for her belated filing of the notice of appeal. See FED. R. APP. P. 4(b)(4).

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge